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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/742,507      | 12/21/2000  | Komlika K. Gill      | T732-10             | 8422             |

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TECHNOLOGY, PATENTS AND LICENSING, INC./PRIME  
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EXAMINER

SHELEHEDA, JAMES R

ART UNIT PAPER NUMBER

2614

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/742,507 | <b>Applicant(s)</b><br>GILL ET AL. |  |
|                              | <b>Examiner</b><br>James Sheleheda   | <b>Art Unit</b><br>2614            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 57-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 57-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/11/04, 8/14/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 57-66, 68-76 and 78-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al. (Maissel) (WO 99/01984) (of record) in view of Alexander et al. (Alexander) (6,177,931) (of record).

As to claims 1 and 72, Maissel discloses a system, and corresponding method, for providing user-friendly Electronic Program Guide screens to a subscriber of television or multimedia program (subscriber set-top box; page 4, lines 23-31) the method comprising:

means for monitoring viewing activities for a subscriber (page 25, lines 4-13);

means for retrieving heuristic rules related to at least some subset of the subscriber viewing activities (rules relating to subscriber viewing preferences; page 20, lines 1-18);

means for processing the subscriber viewing activities to generate a subscriber profile (page 26, lines 8-16), wherein said processing includes applying at least some subset of the heuristic rules to at least some subset of the viewing activities (page 20, lines 12-18);

means for customizing an EPG screen for the subscriber based on the profile (page 27, lines 23-27 and page 28, lines 10-11); and

means for presenting the EPG screen to the subscriber (on Display Apparatus 150; page 20, lines 19-27).

While Maissel discloses using heuristic rules to display a customized EPG to a user based upon a user profile, he fails to specifically disclose using heuristic rules to generate projected demographic characteristics of a user and customizing the EPG based upon the projected demographic characteristics.

In an analogous art, Alexander discloses a system which will monitor user interactions (column 28, lines 30-52) to generate a user profile (column 29, lines 14-30) and will analyze the information using rules (computer software; column 30, lines 1-16) to determine demographic characteristics of the user (column 30, lines 17-37) to provide a customized EPG (column 30, lines 45-58) for the typical benefit of providing a more robust multi-dimensional profile of the viewer (column 30, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include using heuristic rules to generate projected demographic characteristics of a user and customizing the EPG based upon the projected demographic characteristics, as taught by Alexander, for the typical benefit of providing a more robust multi-dimensional viewer profile.

As to claim 78, Maissel discloses an electronic program guide system (Fig. 1; page 4, lines 23-31) the method comprising:

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an interface (Fig. 2; receiving unit, 120) to receive programming data (page 17, lines 24-29);

a profiler (intelligent agent, 130) to monitor viewing activities of a subscriber (page 17, lines 30-31, page 18, lines 1-4 and page 25, lines 4-13) and process the subscriber viewing activities to generate a subscriber profile (page 26, lines 8-16), wherein the generation of the subscriber profile includes retrieving heuristic rules related to at least some subset of the subscriber viewing activities (rules relating to subscriber viewing preferences; page 20, lines 1-18) and applying at least some subset of the heuristic rules to at least some subset of the viewing activities (page 20, lines 12-18);

a customizer (intelligent agent, 130; page 20, lines 19-27) to customize presentation of programming data within EPG screens for the subscriber based at least partially on the profile (page 27, lines 23-27 and page 28, lines 10-11); and

a display device (Display Apparatus, 150) to present the EPG screens to the subscriber (page 20, lines 19-27).

While Maissel discloses using heuristic rules to display a customized EPG to a user based upon a user profile, he fails to specifically disclose using heuristic rules to generate projected demographic characteristics of a user and customizing the EPG based upon the projected demographic characteristics.

In an analogous art, Alexander discloses a system which will monitor user interactions (column 28, lines 30-52) to generate a user profile (column 29, lines 14-30) and will analyze the information using rules (computer software; column 30, lines 1-16) to determine demographic characteristics of the user (column 30, lines 17-37) to provide

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a customized EPG (column 30, lines 45-58) for the typical benefit of providing a more robust multi-dimensional profile of the viewer (column 30, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include using heuristic rules to generate projected demographic characteristics of a user and customizing the EPG based upon the projected demographic characteristics, as taught by Alexander, for the typical benefit of providing a more robust multi-dimensional viewer profile.

As to claim 58, Maissel and Alexander disclose wherein customizing includes arranging program channels in order of interest (see Maissel at page 31, lines 21-25).

As to claim 59, Maissel and Alexander disclose wherein said customizing includes

**determining** one or more channels that may be of interest to the subscriber (see Maissel at page 27, lines 28-31 and page 28, lines 1-11); and

**rearranging** the EPG screen to present the channels of interest first see Maissel at (page 31, lines 21-25).

As to claims 60, 73 and 79, Maissel and Alexander disclose wherein said monitoring includes monitoring channel change commands (see Maissel at page 25, lines 4-8).

As to claim 61, Maissel and Alexander disclose wherein said monitoring includes retrieving information regarding programming (page 16, lines 24-31, page 17, lines 1-16 and page 18, lines 18-30).

As to claim 62, Maissel and Alexander disclose wherein the information is retrieved from at least from electronic program guide data (see Maissel at page 18, lines 18-30).

As to claims 63 and 74, Maissel and Alexander disclose said monitoring includes monitoring viewing duration times (see Maissel at page 26, lines 17-30).

As to claims 64, 75 and 80, Maissel and Alexander further disclose filtering out irrelevant subscriber viewing activities (by ignoring programming watched less than a certain duration; see Maissel at page 26, lines 17-30), wherein

said retrieving includes retrieving heuristic rules related to at least some subset of the filtered subscriber viewing activities (rules relating to recorded subscriber viewing preferences; see Maissel at page 20, lines 1-18); and

said processing includes processing the filtered subscriber viewing activities (see Maissel at page 26, lines 8-16).

As to claim 65, Maissel and Alexander disclose wherein said evaluating comprises evaluating channel change commands and associated viewing times (see Maissel at page 26, lines 17-30).

As to claims 66 and 76, Maissel and Alexander disclose filtering out any channel change commands if associated viewing times are below a pre-determined threshold (see Maissel at page 26, lines 23-30).

As to claim 68, Maissel and Alexander disclose wherein the subscriber profile further includes program preference characteristics (user programming interests; see Maissel at page 18, lines 18-30 and page 19, lines 1-8).

As to claim 69, Maissel and Alexander disclose wherein the subscriber is a household (multiple subscribers using a single unit; see Maissel at page 18, lines 9-17 and page 20, lines 19-27) and the subscriber profile represents the household (see Maissel at page 18, lines 18-30 and page 19, lines 1-8).

As to claim 70, Maissel and Alexander disclose wherein the subscriber profile is generated based on subscriber viewing transactions for a single viewing session (wherein a new viewer first begins a viewing session; see Maissel at page 25, lines 4-8 and page 26, lines 11-16).



As to claim 71, Maissel and Alexander disclose wherein the subscriber profile is generated based on subscriber viewing activities for a plurality of viewing sessions (see Maissel at page 18, lines 18-30 and page 19, lines 1-8),

3. Claims 67 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel and Alexander as applied to claims 64 and 75 above, and further in view of Lawler (5,758,259) (of record).

As to claims 67 and 77, while Maissel and Alexander disclose wherein said evaluating comprises evaluating viewing times and filtering out any viewing periods that are less than a certain threshold (see Maissel at page 26, lines 23-30), he fails to disclose filtering viewing periods in which no user activity has been received within a pre-determined period of time.

In a related field of endeavor, Lawler discloses an EPG which builds a viewer preference table based upon user viewing activities (column 2, lines 20-37) which will stop keeping track of viewed programming if a user entry is not received in a certain time frame (column 10, lines 11-19) for the typical advantage improving the accuracy of the stored viewing history (column 10, lines 11-14).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel and Alexander's system to include filtering viewing periods in which no user activity has been received within a pre-determined period of time, as taught by Lawler, for the typical advantage improving the accuracy of the stored viewing history.

***Response to Arguments***

4. Applicant's arguments with respect to claims 57-80 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information

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and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda  
Patent Examiner  
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JS



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